

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
JOHN DOE<sup>1</sup> ) FOIA Control No. 2014-117  
 )  
On Request for Inspection of Records )

MEMORANDUM OPINION AND ORDER

Adopted: May 19, 2014

Released: May 20, 2014

By the Commission:

1. By this Memorandum Opinion and Order, we deny an application for review filed by John Doe (*AFR*).<sup>2</sup> Mr. Doe requests review of a Freedom of Information Act (FOIA) decision by the Consumer Policy Division (CPD) of the Commission’s Consumer and Governmental Affairs Bureau (CGB).<sup>3</sup>

2. Mr. Doe filed a FOIA request seeking “all information” and “documentation” regarding an informal complaint alleging identity theft he had filed under Section 1.711 of the Commission’s rules, 47 C.F.R. § 1.711.<sup>4</sup> Mr. Doe stated that he was not happy with the handling of his *Informal Complaint*.<sup>5</sup> The *FOIA Request* was assigned to CPD,<sup>6</sup> the division of CGB that conducted a search of the databases that contain the records of informal complaints filed by or on behalf of consumers. CPD located nine documents responsive to the *FOIA Request* and provided them to Mr. Doe.<sup>7</sup> Mr. Doe filed an *AFR* of the response to his FOIA request complaining about the adequacy of the search and posing numerous

<sup>1</sup> We use the name “John Doe” instead of the requester’s real name because of his oft-expressed privacy concerns. See 5 U.S.C. § 552(a)(2) and 47 C.F.R. § 0.445(g); see also e-mail from Mr. Doe to FCC FOIA Public Liaison (filed Dec. 30, 2013) (*AFR*) at 1 (stating that he has “personal safety issues”).

<sup>2</sup> See *AFR*; see also e-mail from Mr. Doe to Stephanie Kost (Jan. 1, 2014) (*January 1, 2014 e-mail*), e-mail from Mr. Doe to Joanne Wall (Jan. 3, 2014), and letter from Mr. Doe to Office of General Counsel, FCC (filed Jan. 24, 2014) (all three communications supplementing the *AFR*).

<sup>3</sup> See letter from Nancy Stevenson, Deputy Chief, CPD, CGB, FCC, to Mr. Doe (Dec. 18, 2013) (*December 18, 2013 FOIA Decision*).

<sup>4</sup> See e-mail from Mr. Doe to FCC FOIA Public Liaison (dated Dec. 14, 2013) (*FOIA Request*); see also e-mail from Mr. Doe to the FCC’s Rural Call Completion Task Force (RCC2000B) (FCC RCC Form 200B e-mailed on Oct. 26, 2013 and filed Oct. 28, 2013) (consumer complaint number 13-C00536395-1); facsimile communications from Mr. Doe (dated Oct. 30, 2013) (providing additional documents); and letters from Mr. Doe to the Commission (two dated Nov. 18, 2013 and one dated Dec. 5, 2013) (providing additional documents) (collectively, *Informal Complaint*).

<sup>5</sup> *FOIA Request* at 1. Previously, Mr. Doe had indicated to CGB staff that he was satisfied with the resolution of the *Informal Complaint* and, accordingly, CGB closed the *Informal Complaint* proceeding on December 11, 2013. See e-mail from Mary Pontious to Nancy Stevenson, Mike Hennigan, Kurt Schroder, and Sharon Bowers (all Commission staff) (Jan. 29, 2014) (outlining Ms. Pontious’s conversation with Mr. Doe regarding the *Informal Complaint*).

<sup>6</sup> Among other things, CPD is tasked with monitoring and helping to resolve informal inquiries and complaints.

<sup>7</sup> See *December 18, 2013 FOIA Decision* at 1.

questions about the investigation into his *Informal Complaint*.<sup>8</sup> Stating that he may be interested in filing a civil suit for damages, he requested advice about the process as it relates to the Commission.<sup>9</sup> He also raised various allegations concerning Verizon employees and others stemming from the purported theft of his identity and requested that the Commission investigate the matter for possible criminal violations.<sup>10</sup>

3. We deny the *AFR*. The *AFR* presents two FOIA issues for our consideration. First, we are satisfied that the Bureau located and provided all records responsive to Mr. Doe's FOIA request. The record indicates that CPD conducted a diligent search for relevant records regarding the *Informal Complaint* by searching the databases in which it maintained the records of informal complaints filed by or on behalf of consumers. We find that CPD's search was "reasonably calculated to uncover all relevant documents,"<sup>11</sup> and thus satisfied our obligations under the FOIA. Second, the FOIA does not require agencies to answer questions posed in the guise of a FOIA request.<sup>12</sup> Mr. Doe's *AFR* consists almost entirely of questions and submissions related to how and whether the Commission and Verizon were resolving the issues raised in his *Informal Complaint*, and his request that the Commission assist Mr. Doe in speculative criminal and civil proceedings that he might pursue against Verizon employees and other individuals stemming from the issues raised in the *Informal Complaint*. The FOIA is not the proper mechanism for addressing these matters, including the Commission's handling of or a carrier's response to an informal complaint.<sup>13</sup> For these reasons, we deny Mr. Doe's application for review.

4. IT IS ORDERED, that the Application for Review filed by John Doe IS DENIED. Mr. Doe may seek judicial review of this action pursuant to 5 U.S.C. § 552(a)(4)(B).<sup>14</sup>

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<sup>8</sup> *AFR* at 1 and *January 1, 2014 e-mail*.

<sup>9</sup> *AFR* at 1.

<sup>10</sup> *January 1, 2014 e-mail*.

<sup>11</sup> *Weisberg v. U.S. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983); *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 27 (D.C. Cir. 1998) (noting that an agency must search "using methods which can be reasonably expected to produce the information requested") (quoting *Oglesby v. U.S. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)).

<sup>12</sup> See *Prof Bill Neill*, 18 FCC Rcd 14642, 24644 ¶5 and n.8 (2003) (citing *DiViao v. Kelley*, 571 F.2d 538, 542 (10<sup>th</sup> Cir. 1978)); *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985), *aff'd*, 808 F.2d 137 (D.C. Cir. 1987), *cert. denied*, 484 U.S. 803 (1987); and *NLRB v. Sears Roebuck & Co.*, 421 U.S. 132, 161-62 (1975). See also *Solomon Oden Battle*, 23 FCC Rcd 6091,6094 (2008).

<sup>13</sup> A complainant who is unsatisfied with the Commission's disposition of an informal complaint may file a formal complaint with the Commission within six months of the date of the carrier's report. If no formal complaint is filed within the six month period, the complainant is deemed to have abandoned the unsatisfied complaint. See 47 C.F.R. §§ 1.717-1.718. CGB will refer an informal complaint to the Commission's Enforcement Bureau if CGB believes there has been a possible rule violation. We note the CGB communicated extensively with Mr. Doe in its attempts to address his questions and concerns raised in the *Informal Complaint*.

<sup>14</sup> We note that as part of the Open Government Act of 2007, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect Mr. Doe's right to pursue litigation. Mr. Doe may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: ogis@nara.gov  
Telephone: 301-837-1996  
Facsimile: 301-837-0348  
Toll-free: 1-877-684-6448

5. The following officials are responsible for this action: Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary